

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Texas, Austin Division on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 1:11-CA-216 LY	DATE FILED 3/21/2011	U.S. DISTRICT COURT Western District of Texas, Austin Division
PLAINTIFF Content Delivery Solutions LLC		DEFENDANT Akamai Technologies, Inc.; AOL, Inc.; AT&T Inc.; CDNetworks Inc.; Google Inc.; Limelight Networks, Inc.; Research In Motion Corporation; Savvis, Inc.; et al
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 See attached		
2 6,058,418		
3 6,393,471		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK William G. Putnicki	(BY) DEPUTY CLERK <i>Diana Schroeder</i>	DATE 3-21-2011
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2011 MAR 18 PM 3:45

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY _____ DEPUTY

CONTENT DELIVERY SOLUTIONS LLC,

Plaintiff,

v.

AKAMAI TECHNOLOGIES, INC.;
AOL, INC.;
AT&T INC.;
CDNETWORKS INC.;
GOOGLE INC.;
LIMELIGHT NETWORKS, INC.;
RESEARCH IN MOTION CORPORATION;
SAVVIS, INC.;
VERIZON COMMUNICATIONS INC.;
YAHOO! INC.;

Defendants.

C.A. No: _____

A11CA216 LY

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Content Delivery Solutions LLC complains of the Defendants as follows:

PARTIES

1. Plaintiff Content Delivery Solutions LLC ("CDS") is a Texas limited liability company having offices at 6136 Frisco Square Boulevard, Suite 385, Frisco, Texas 75034.
2. Upon information and belief, Defendant Akamai Technologies, Inc., ("Akamai") is a Delaware corporation with its principal place of business at 8 Cambridge Center, Cambridge, MA 02142.
3. Upon information and belief, Defendant AOL, Inc., ("AOL") is a Delaware corporation with its principal place of business at 22000 AOL Way, Dulles, Virginia 20166.
4. Upon information and belief, Defendant AT&T Inc. ("AT&T") is a Delaware corporation with its principal place of business at 208 South Akard Street, Dallas, Texas 75202.

5. Upon information and belief, Defendant CDNetworks Inc. ("CDNetworks") is a California corporation with its principal place of business at 441 West Trimble Road, San Jose, California 95131.

6. Upon information and belief, Defendant Google Inc. ("Google") is a Delaware corporation with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043.

7. Upon information and belief, Defendant Limelight Networks, Inc., ("Limelight Networks") is a Delaware corporation with its principal place of business at 1614 Sidney Baker Street, Kerrville, TX 78028.

8. Upon information and belief, Defendant Research In Motion Corporation ("RIM") is a Delaware corporation with its principal place of business at 122 West John Carpenter Parkway, Suite 430, Irving, TX 75039.

9. Upon information and belief, Defendant SAVVIS, Inc., ("SAVVIS") is a Delaware corporation with its principal place of business at 1 SAVVIS Parkway, Chesterfield, Missouri 63017.

10. Upon information and belief, Defendant Verizon Communications Inc. ("Verizon") is a Delaware corporation with its principal place of business at 140 West Street, New York, NY 10007.

11. Upon information and belief, Defendant Yahoo! Inc. ("Yahoo") is a Delaware corporation with its principal place of business at 701 First Avenue, Sunnyvale, California 94089.

JURISDICTION AND VENUE

12. This is an action for patent infringement arising under the laws of the United States, 35 U.S.C. § 1, *et seq.* Jurisdiction in this district is proper pursuant to 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has personal jurisdiction over the Defendants. Upon information and belief, each of the Defendants has transacted business in this judicial district and/or has committed, contributed to, or induced acts of patent infringement in this judicial district.

14. Venue in this judicial district is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b).

THE PATENTS IN SUIT

15. The Plaintiff is the exclusive licensee with standing to sue for infringement of United States patents No. 6,058,418 ("the '418 patent") entitled "Marketing Data Delivery System" was duly and legally issued on May 2, 2002, to named inventor Hiroshi Kobata. A copy of the '418 patent is attached as Plaintiff's Exhibit 1.

16. The Plaintiff is the exclusive licensee with standing to sue for infringement of United States patents No. 6,393,471 ("the '471 patent") entitled "Marketing Data Delivery System" was duly and legally issued on May 21, 2002, to named inventor Hiroshi Kobata. A copy of the '471 patent is attached as Plaintiff's Exhibit 2.

CLAIM FOR RELIEF OF INFRINGEMENT

17. The Defendants as specified below as acts of infringement have infringed and are infringing one or more claims of the '418 patent and/or the '471 patent in violation of 35 U.S.C. § 271(c) by making, using, and selling products and services of networked client/server marketing data delivery systems that select marketing content or other content on the basis of client demographics, client configuration, or client infrastructure and provide the selected content to client-users of the systems – or by making, using, and selling products and services of marketing data delivery systems that make marketing decisions based on demographic information received from client subsystems including determining which client-users should be targeted to receive specific information content or determining whether particular client-users would welcome receipt of specific information content.

18. Akamai's acts of infringement as covered by one or more claims of the '418 patent include making, using, and selling Akamai's products and services labeled by Akamai as "Akamai Media Delivery" and Akamai NetSession," which is a system for delivering content to a client system in which a service provider selects content to transmit to the client system on the basis of client configuration or infrastructure. Akamai's acts of infringement as covered by one or more claims of the '471 patent include making, using, and selling Akamai's products and services labeled by Akamai as "Edgescape," which is a networked client/server marketing data delivery system that selects marketing content on the basis of client demographics and provides the selected marketing content to client-users of the system.

19. AOL's acts of infringement as covered by one or more claims of the '418 patent include making, using, and selling AOL's products and services labeled by AOL as "AOL Advertising," which is a system for delivering content to a client system in which a service provider selects content to transmit to the client system on the basis of client configuration or infrastructure. AOL's acts of infringement as covered by one or more claims of the '471 patent include making, using, and selling AOL's products and services labeled by AOL as "AOL Advertising," which is a networked client/server marketing data delivery system that selects marketing content on the basis of client demographics and provides the selected marketing content to client-users of the system.

20. AT&T's acts of infringement as covered by one or more claims of the '471 patent include making, using, and selling AT&T's products and services labeled by AT&T as "AT&T Universe Television," which is a networked client/server marketing data delivery system that selects marketing content on the basis of client demographics and provides the selected marketing content to client-users of the system.

21. CDNetworks' acts of infringement as covered by one or more claims of the '418 patent include making, using, and selling CDNetworks' products and services labeled by

CDNetworks as "Content Acceleration," which is a system for delivering content to a client system in which a service provider selects content to transmit to the client system on the basis of client configuration or infrastructure. CDNetwork's acts of infringement as covered by one or more claims of the '471 patent include making, using, and selling CDNetworks' products and services labeled by CDNetworks as "Content Acceleration," which is a networked client/server marketing data delivery system that selects marketing content on the basis of client demographics and provides the selected marketing content to client-users of the system.

22. Google's acts of infringement as covered by one or more claims of the '471 patent include making, using, and selling Google's products and services labeled by Google as "Google AdWords," which is a marketing data delivery system that makes marketing decisions based on demographic information in a database, where the marketing decisions include determining which client-users of the system should be targeted to receive specific information content based on locations of said client-users or determining whether a particular one of said client-users would welcome receipt of specific information content from a content-provider.

23. Limelight's acts of infringement as covered by one or more claims of the '418 patent include making, using, and selling Limelight's products and services labeled by Limelight as "Limelight Networks XD Platform," which is a system for delivering content to a client system in which a service provider selects content to transmit to the client system on the basis of client configuration or infrastructure.

24. RIM's acts of infringement as covered by one or more claims of the '471 patent include making, using, and selling RIM's products and services including those labeled by RIM as "Blackberry Advertising Service" and "Blackberry Advertising Service Framework," which compose a networked client/server marketing data delivery system that selects marketing content on the basis of client demographics and provides the selected marketing content to client-users of the system.

25. SAVVIS's acts of infringement as covered by one or more claims of the '418 patent include making, using, and selling SAVVIS's products and services labeled by SAVVIS as "Intelligent Monitoring," which is a system for delivering content to a client system in which a service provider selects content to transmit to the client system on the basis of client configuration or infrastructure.

26. Verizon's acts of infringement as covered by one or more claims of the '471 patent include making, using, and selling Verizon's products and services including those labeled by Verizon as "Verizon FiOS TV," which composes a networked client/server marketing data delivery system that selects marketing content on the basis of client demographics and provides the selected marketing content to client-users of the system.

27. Yahoo's acts of infringement as covered by one or more claims of the '471 patent include making, using, and selling Yahoo's products and services including those labeled by Yahoo as "Right Media Exchange," which composes a networked client/server marketing data delivery system that selects marketing content on the basis of client demographics and provides the selected marketing content to client-users of the system.

DEMAND FOR JUDGMENT

WHEREFORE, Plaintiff CDS respectfully requests this Court to enter judgment against the defendants and against their subsidiaries, successors, parents, affiliates, officers, directors, agents, servant, employees, and all persons acting in concert or participating with the defendants, granting the following relief:

- A. The entry of judgment in favor of Plaintiffs and against each of the defendants;
- B. A judgment that each of the defendants' making, using, and/or selling, within the State of State and elsewhere in the United States the defendants' accused products and services infringes, actively induces others to infringe, and/or contributorily infringes the '418 and/or the '471 patent;
- C. An award of damages adequate to compensate the Plaintiff for the infringement that has occurred, together with prejudgment interest from the date the infringement began, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;
- D. A finding that each of the defendants' infringement has been willful and an award of increased damages as provided by 35 U.S.C. § 284;
- E. A finding that each of the defendants' infringement has been willful and an award of increased damages as provided by 35 U.S.C. § 285;
- F. A permanent injunction prohibiting further infringement, inducement, and/or contributory infringement of the '418 and '471 patents;
- G. Costs and expenses in this action; and
- H. Such other relief that Plaintiff is entitled to under law and any other further relief that the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff CDS demands a trial by jury on all issues presented in this complaint.

Respectfully submitted,

Date: 3-18-2011

By: _____



John Biggers
TX Bar No. 02310100
Artoush Ohanian
TX Bar No. 24013260
BIGGERS & OHANIAN, LLP
P.O. Box 1469
Austin, Texas 78767-1469
Telephone: (512) 472-9881
Facsimile: (512) 472-9887
john@biggerslaw.com
artoush@biggerslaw.com

B. Russell Horton
TX Bar No. 10014450
KINCAID & HORTON, L.L.P.
114 W. 7th Street, Suite 1100
Austin, Texas 78701
Telephone: (512) 499-0999
Facsimile: (512) 499-0816
rhorton@khs-law.com

ATTORNEYS FOR PLAINTIFF
CONTENT DELIVERY SOLUTIONS LLC